



CITY COUNCIL MINUTES

Wednesday, February 28, 2024

Approved March 27, 2024

The following are the minutes of the City Council meeting of the Herriman City Council. The meeting was held on **Wednesday, February 28, 2024, at 5:30 p.m.** in the Herriman City Council Chambers, 5355 West Herriman Main Street, Herriman, Utah. Adequate notice of this meeting, as required by law, was posted in the City Hall, on the City's website, and delivered to members of the Council, media, and interested citizens.

Presiding: Mayor Lorin Palmer

Councilmembers Present: Jared Henderson, Teddy Hodges, Sherrie Ohrn, Steven Shields

Staff Present: City Manager Nathan Cherpeski, Assistant City Manager Wendy Thomas, City Recorder Jackie Nostrom, Finance Director Kyle Maurer, City Attorney Todd Sheeran, Communications Manager Jonathan LaFollette, City Planner Michael Maloy, Police Chief Troy Carr, Unified Fire Authority Assistant Chief Anthony Widdison, City Engineer Bryce Terry, Building Official Cathryn Nelson, Public Works Director Justun Edwards, Community Development Director Blake Thomas, Assistant City Attorney Matt Brooks, Management Analyst Trevor Ram, Operations Director Monte Johnson, Planning Manager Clint Spencer, HPD Commander Zach Adams, and Public Utilities Engineering Manager Jonathan Bowers.

5:30 PM – WORK MEETING: (Fort Herriman Conference Room)

1. Council Business

Mayor Lorin Palmer called the meeting to order at 5:31 p.m.

1.1. Review of this Evening's Agenda

Council and staff briefly reviewed the agenda.

1.2. Future Agenda Items

Councilmember Sherrie Ohrn noted she attended a Salt Lake County Council meeting and highlighted the formation of a committee tasked with analyzing water-related issues. She informed the Council that she had been asked to represent Herriman City on the committee and asked if there were any concerns about her accepting the appointment. The Council expressed support.

1.3. Council discussion of future citizen recognitions

Mayor Palmer highlighted those individuals being recognized during the Council meeting.

2. Administrative Reports

2.1. Discussion regarding a request that the city provide incentives to Slackwater Pizza in the Anthem Commercial Development – Blake Thomas, Community Development Director

Community Development Director Blake Thomas provided background information on the Anthem Center commercial center and the incentives provided to the developer, Arbor Development, for infrastructure costs. Slackwater had initially requested incentives in November 2022 due to higher-than-anticipated costs and an additional request in April 2023, which led to discussions about potentially waiving building permit fees.

Director Thomas outlined three options for the Council to consider: not offering an incentive, partially reducing fees, or eliminating the entire building permit fee. City Manager Cherpeski highlighted the challenge of offering incentives to individual businesses instead of developers, as traditionally done. The Council discussed the financial implications and potential precedents of waiving fees, expressing concerns about maintaining fiscal responsibility.

Slackwater representatives shared their perspective on the challenges they faced, including unexpected costs and requests to the City regarding a potential fee waiver. The Council expressed willingness to explore options like delaying fee collection but emphasized the importance of maintaining financial integrity. They discussed the need for clear policies on incentives and fee waivers to avoid inconsistencies and ensure fairness.

Council agreed to explore deferring fee payment while continued negotiations were happening with Arbor Development to address outstanding costs. They acknowledged the complexities of the situation and the need for a balanced approach to support economic development while safeguarding the City's financial stability. Councilmember Hodges requested additional information to be able to understand what incentives had already been approved for the development. Finance Director Kyle Maurer provided details about the financial agreements with Winco and Arbor Development.

Councilmember Henderson clarified all fee waivers would fall to the responsibility of the Council. Councilmember Shields questioned if the Council had the ability to delay collection after business operation was underway. Councilmember Hodges supported delaying the

collection of fees. Director Thomas indicated the certificate of occupancy for the building could not be held because of nonpayment of the fees.

The Council agreed that fee waivers should be approached cautiously, with a focus on maintaining financial commitments and ensuring that fees are not waived arbitrarily. The Council also discussed the possibility of performance-based incentives and revenue-sharing agreements with developers. Council consensus looked to delay collection of fees for 12-months. Director Thomas indicated he would come back with an agreement for the Council to consider.

City Manager Cherpeski suggested the Council put a policy in place outlining when a request for an incentive would be considered. The Council agreed.

2.2. Discussion on the City's Water Utility Rate Study – Justun Edwards, Public Works Director and Kyle Maurer, Finance Director

Public Works Director Justun Edwards noted in February 2023, the City engaged Bowen Collins & Associates to perform a rate study for the City's culinary and secondary water utilities. In June 2023, the City Council agreed to preliminary tier rate and volume changes to be included in the rate study, along with combining certain meter classes to simplify the rate structure. City staff has been working to complete the Water Master Plan, which was needed to provide an accurate picture of the utility's future operating and capital needs. He turned the time over to Bowen Collins & Associates Project Manager Keith Larson to present the results of the rate study.

Project Manager Keith Larson provided an overview of the previous rate structure changes and presented the current proposal highlighted the reduction in secondary water costs and an increase in culinary water costs due to changes in infrastructure projects. He noted the City would need to shift towards purchasing more water from Jordan Valley Water Conservancy District to address culinary water shortages. The Council expressed concern about the impact of rate increases on the residents.

Director Edwards clarified the City's obligations for infrastructure projects and the importance of periodic reassessment of rates. He noted as the water system ages; additional replacement projects would need to be scheduled. City Manager Cherpeski emphasized the importance of providing clean water while acknowledging the financial constraints on residents.

Project Manager Larson recommended the Council look at a tiered rate increase over the next five years as well as looking into a series of capital project bonds be issued to help cover project obligations. If the City chose not to bond, a substantial increase would be required to fund the proposed capital projects. The Council recommended this situation should be reassessed periodically.

Councilmember Shields moved to temporarily recess the City Council work meeting at 6:55 p.m. Councilmember Hodges seconded the motion, and all voted aye.

The Council reconvened the work meeting at 7:45 p.m.

2.3. Discussion of updates to the proposed amendments to Title 10 of the City Code to regulate the outdoor storage of recreational and accessory vehicles on private property. (City File No. Z2023-071) – Clinton Spencer, Planning Manager

Planning Manager Clinton Spencer reviewed existing ordinances to get an understanding of what they Council would like to accommodate vehicle parking to be able to have a standard for storage of inoperable vehicles. Last year, it was suggested recreational vehicle parking be changed in both agricultural and residential zones prohibiting parking in the front yard and out of the public right-of-way. Manager Spencer questioned if additional requirements needed to be placed on the accessory use such as needing an impervious area or screening.

Planning Manager Spencer notated this ordinance would define an accessory vehicle as any kind of utility, trailer, and recreational vehicle. The proposed ordinance was simplified and would allow a gradual increase of accessory vehicles to be parked outside on a lot:

- 0 – 0.5 Acres = 3 Total
- 0.51 – 1 Acres = 5 Total
- More than 1 Acre – 7 Total

He indicated as staff had discussed the proposed changes the Council could consider altering the acreage for additional flexibility but recommended capping the storage to seven accessory vehicles including utility trailers on a residential lot. These regulations would be for residential properties where the primary purpose was a dwelling, with vehicle parking considered a secondary use. This would be placed in code to maintain the residential character of the neighborhood while accommodating recreational vehicle parking needs of the residents.

Mayor Palmer recited the regulation that would stipulate any portion of the storage area should have an impervious area of some type, so residents would not be able to park on top of weeds. Planning Manager Spencer responded in the affirmative. He explained having a hard surface would restrict tracking mud out onto the public streets. Councilmember Ohrn observed the high numbers of recreational vehicles currently parked in the City that would be in violation. She relayed her feeling of not being able to support the ordinance. She highlighted residents would have to comply within a year and there were no grandfathering provisions.

Councilmember Ohrn relayed her understanding that a motorcycle, dirt bike, four-wheeler, and side by sides would all fit under the definition of accessory vehicle. A family of six people

having dirt bikes would not be allowed to have any additional accessory vehicles. Planning Manager Spencer responded that the definition could be altered to exclude personal ATVs.

Councilmember Ohrn asked what complaints were being received and questioned if they were more aesthetic in nature or for safety concerns. Planning Manager Spencer highlighted the concerns received where it was determined an ordinance should be drafted specifically for this situation. He indicated during his research, he found vehicles being parked in the front yard that obstructed views, and extended over the sidewalks, while being parked in the same place for long periods of time. The Council discussed aesthetic concerns becoming an economic impact on home appraisals.

Councilmember Henderson emphasized the importance of addressing specific problems rather than preemptively trying to prevent potential issues. He suggested the Council needed to balance individual property rights with considerations for how one's actions may impact their neighbors. Councilmember Henderson felt it was the legislative responsibility to set reasonable guidelines to address problems concerning health, safety, and aesthetics. He noted would like to see more of the parking in the backyard compared to the front yard but felt that was personal preference it should have less influence. Councilmember Henderson continued with the distinction between residential and commercial use of property with recreational vehicle storage. He offered a scenario regarding safety issues arising from frequent usage of trailers in residential areas which could affect neighbors with children. He suggested activities being conducted with commercial aspects like storing recreational vehicles or running a daycare should undergo a regulatory process to address potential health and safety concerns.

Councilmember Ohrn noted the City was not a Homeowner's Association (HOA) and wanted to be careful to not remove the freedom to utilize your property. Councilmember Henderson highlighted this ordinance could not be a one-size fits all approach as there are vastly different types of housing throughout the community. He indicated the Council needed to make the ordinance what they felt was appropriate. Based on the limited ability to enforce laws, the City would not be able to distinguish if the intent of the property owner is commercial or residential use.

Mayor Palmer reflected on his experience with the Planning Commission and emphasized the importance of code enforcement in maintaining the integrity of neighborhoods. He expressed concern that even a large number of trailers in backyard spaces could impact the overall feel and property values of the community. He suggested those should be addressed to uphold the community's values and respond to complaints effectively. He opined there needed to be a track out system such as a hard surface to help reduce tracking mud out onto public streets.

Councilmember Ohrn reiterated her concerns about the proposed regulations and noted discrepancies in definitions and practical implications. She questioned the inclusion of certain

types of vehicles and argued against enforcing strict standards especially for residents living on dirt roads. She also wanted to see more of a grandfathering provision as it would place a financial burden on long-term residents. Planning Manager Spencer noted it was difficult to grandfather something that could be moving regularly. He agreed it would be easy to grandfather a structure.

Councilmember Shields concurred with the points raised by the Council and acknowledged the need for further deliberation and revision of the proposed regulations. He highlighted the prevalent issue of residential lots being converted into recreational vehicle storage, which appeared to be the primary concern driving the complaints. Mayor Palmer agreed. Councilmember Shields realized someone on a five-acre agricultural property could have so many trailers to run their farm but felt there was a clear difference between an agricultural property and a residential neighborhood. Councilmember Ohrn stated if the limit of accessory vehicles on a one-acre parcel is seven, it would be unreasonable to have the same limit on a 20-acre parcel. Councilmember Shields concurred there needed to be an additional tear.

Councilmember Henderson proposed establishing a threshold for the number of trailers allowed on residential properties. If a resident wanted to exceed the threshold, they would need to transition from a permitted use to a conditional use, subject to additional review, potentially by the Planning Commission. He brought up another issue needing to be determined if the Council would be comfortable letting somebody run a home occupation where they are renting out part of their property for storage. Councilmember Ohrn thought compounding allowances depending on the size of the lot. City Manager Cherpeski responded it could be something to review. Councilmember Shields cautioned about that tactic as it could potentially get towards the problem trying to be avoided, commercializing residential properties. Council consensus determined to have a limit, and if additional accessory vehicles were requested, they would need to look at getting a conditional use permit.

City Manager Cherpeski asked if the Council would like to expand additional areas to allow recreational vehicle storage. Mayor Palmer suggested property owners would have the ability to come in and ask for a rezone rather than expanding where the use could be incorporated. Councilmember Henderson suggested conducting an analysis of places that might be suitable for recreational vehicle storage and not take away from our prime commercial location.

2.4. City Council Policy establishing guidelines for the presentation of items at work meetings prior to consideration by the Herriman City Council – Nathan Cherpeski, City Manager

City Manager Cherpeski asked the Council if the policy presented met the desire of the Council as the City has had a long practice of bringing all items to the Council at a work meeting prior to presenting it to Council for formal action. He highlighted the policy defined when an item needed to go to a work meeting versus being placed on the regular meeting agenda. The Council expressed support for the policy.

2.5. Discussion of the Fiscal Year 2025 and 2026 Requested Budgets for Administration and Administrative Services – Kyle Maurer, Finance Director

Finance Director Kyle Maurer offered an overview of the submitted budgets for the Administration and the Administrative Services departments. In Administration, the fiscal year 2025 operating budget was requested to decrease by approximately \$29,800, leaving a requested budget of \$64,050. The increase in personnel costs in both fiscal years was due to projected COLA and insurance increases, along with one proposed market adjustment in fiscal year 2025. The Increase in fiscal year 2026 was due to projected COLA and insurance increases, along with general inflation.

The Finance operating budget was requested to decrease by approximately \$26,000 in fiscal year 2025 due to switching credit card processors in fiscal year 2024. Notable operating changes include the cost of EasyCIP, the City's CIP software, being included in the Finance department instead of multiple Public Works departments. The proposed personnel cost increases are due to COLA adjustments, insurance increases, and proposed career ladder increases. Fiscal year 2026 operating costs were requested to increase an additional \$7,200, due to computer replacements and anticipated inflation. The Finance Department also requested the replacement of the ERP system.

The Justice Court operating expenditures were requested to increase approximately \$8,100 for fiscal year 2025 due to an anticipated increase in personnel costs and COLA adjustments. The Recorder's Office operating expenditures were requested to decrease approximately \$15,000 for fiscal year 2025 due to the reduction of public notice and credit card processing expenditures. Director Maurer noted there would be an election during the fiscal year 2026 budget, and so there was a corresponding request for the election in the amount of \$85,000. The actual amount of the election was unknown at the present time. Personnel costs were anticipated to increase due to anticipated COLA and insurance increases.

The Customer Service division requested an increase for fiscal year 2025 and 2026 due to requested computer replacements and personnel costs.

2.6. Open and Public Meetings Act training – Todd Sheeran, City Attorney

City Attorney Todd Sheeran conducted the Open and Public Meetings Act training for the Council.

2.7. Legislative update – Todd Sheeran, City Attorney

City Attorney Sheeran offered an update of the 2024 Legislative Session. He highlighted House Bill 185, concerning third-party inspectors for development projects. The proposed bill initially allowed developers to choose their inspectors from a state-approved list without municipal involvement, which raised concerns. However, the current language being

considered involved the City providing a list of approved inspectors for developers to choose from if the City would not be able to accommodate an inspection within three days.

Councilmember Shields moved to temporarily recess the City Council work meeting to convene in a closed session to discuss the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205 at 9:48 p.m. Councilmember Ohrn seconded the motion.

The vote was recorded as follows:

<i>Councilmember Jared Henderson</i>	<i>Yes</i>
<i>Councilmember Teddy Hodges</i>	<i>Yes</i>
<i>Councilmember Sherrie Ohrn</i>	<i>Yes</i>
<i>Councilmember Steven Shields</i>	<i>Yes</i>
<i>Mayor Lorin Palmer</i>	<i>Yes</i>

The motion passed unanimously.

The Council reconvened the work session at 10:09 p.m.

3. Adjournment

Councilmember Shields moved to adjourn the City Council work meeting at 10:09 p.m. Councilmember Ohrn seconded the motion, and all voted aye.

7:00 PM – GENERAL MEETING:

4. Call to Order

Mayor Palmer called the meeting to order at 7:02 p.m.

4.1. Invocation/Thought/Reading and Pledge of Allegiance

Mr. Sam Winkler led the audience in the Pledge of Allegiance.

4.2. City Council Comments and Recognitions

Mayor Palmer recognized Mr. John Titus for his efforts with volunteering in Ms. Kimberly Mendenhall's computer classes daily since 2019. He has shared his professional expertise with Fort Herriman Middle School students.

Mayor Palmer also recognized four young men in the Community: Carter Halcom, Austin Halcom, Jaxon Meyers, and Dallin Oaks who had been featured for taking time to push drivers up slippery slopes during the recent snowstorm. The Council thanked them for serving the community.

The Council recognized the winners of the DARE elementary school program essay contest.

5. Public Comment

Craig Atkinson expressed frustration with a neighbor who he felt had an excessive amount of accessory vehicles on his property and relayed his support of the City Council restricting the number of recreational vehicles.

6. City Council Reports

6.1. Councilmember Jared Henderson

Councilmember Henderson reported on the Unified Fire Authority board noted a recent finance committee meeting and the discussion regarding UFA salaries and their efforts for fiscal responsibility while remaining competitive with wages.

6.2. Councilmember Teddy Hodges

Councilmember Hodges reported on the South Valley Sewer District board meeting about future sewer project needs.

6.3. Councilmember Sherrie Ohrn

Councilmember Ohrn noted the Wasatch Front Waste and Recycling District meeting discussed some retirement buyout options that the District hadn't budgeted for. She explained that the policy was being evaluated. She also reported on a fire that consumed a garbage truck that was caused by an improperly disposed battery.

6.4. Councilmember Steven Shields

There was no report.

7. Mayor Report

Mayor Palmer mentioned he met with Brigadier General Darwin Craig of the Utah National Guard who expressed appreciation for the City's contributions and efforts in the Army Compatible Use Buffer program. He reported that Fort Douglas at the University of Utah would be closing and relocating their operations to Camp Williams.

8. Public Hearing

8.1. Public Hearing and consideration of a Resolution to impose a parking fee in the parking lot area of Blackridge Reservoir – Kyle Maurer, Finance Director

Finance Director Maurer presented the proposed parking fee at Blackridge reservoir and suggested a fee of \$15 per vehicle per visit, applicable only on Saturdays, Sundays, and holidays from May 1 to September 7. The purpose of the fee was to offset operational and maintenance costs of the facility.

Mayor Palmer opened the public hearing.

There were no comments.

Councilmember Hodges moved to close the public hearing. Councilmember Ohrn seconded the motion, and all voted aye.

Councilmember Ohrn moved to approve Resolution No. R08-2024 imposing a parking fee in the Blackridge Reservoir parking lot. Councilmember Shields seconded the motion.

The vote was recorded as follows:

<i>Councilmember Jared Henderson</i>	<i>Yes</i>
<i>Councilmember Teddy Hodges</i>	<i>Yes</i>
<i>Councilmember Sherrie Ohrn</i>	<i>Yes</i>
<i>Councilmember Steven Shields</i>	<i>Yes</i>
<i>Mayor Lorin Palmer</i>	<i>Yes</i>

The motion passed unanimously.

9. Consent Agenda

9.1. Review and Approval of the January 2024 Financial Summary

9.2. Approval of the February 14, 2024 City Council Meeting minutes

9.3. Approval of a Resolution to grant a Temporary Beer Event Permit for Pierpont Nightlife Group to be issued and regulated by the Utah Department of Alcoholic Beverage Services

Councilmember Hodges moved to approve the consent agenda as written. Councilmember Ohrn seconded the motion.

The vote was recorded as follows:

<i>Councilmember Jared Henderson</i>	<i>Yes</i>
<i>Councilmember Teddy Hodges</i>	<i>Yes</i>
<i>Councilmember Sherrie Ohrn</i>	<i>Yes</i>
<i>Councilmember Steven Shields</i>	<i>Yes</i>
<i>Mayor Lorin Palmer</i>	<i>Yes</i>

The motion passed unanimously.

10. Future Meetings

10.1. Next Planning Meeting: March 6, 2024

10.2. Next City Council Meeting: March 13, 2024

11. Events

11.1. March 7 – Senior Fraud Prevention Class; Herriman City Hall 10:00 a.m.

12. Closed Session

The Herriman City Council may temporarily recess the City Council meeting to convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonable imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205

The closed session was conducted during the work session.

13. Adjournment

Councilmember Ohrn moved to adjourn the City Council meeting at 7:37 p.m. Councilmember Shields seconded the motion, and all voted aye.

14. Recommence to Work Meeting (If Needed)

I, Jackie Nostrom, City Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on February 28, 2024. This document constitutes the official minutes for the Herriman City Council Meeting.



Jackie Nostrom, MMC
City Recorder